

Talking Points for the Oglala Sioux Tribe Community Outreach Plan

Background: During our April 28 meeting at Pine Ridge, Oglala Sioux Tribal Leaders requested that the EPA hold community outreach meetings and public hearings at two locations (east side and west side) on the Pine Ridge Reservation.

Purpose of Briefing:

To present the Oglala Sioux Tribe Community Outreach Plan and seek management input and approval before briefing Deb Thomas before the June 17 meeting and presenting the plan to the Oglala Sioux Tribal Leaders during the June 17 meeting.

Talking Point Bullets

1. The Tribal leaders requested the community outreach meetings both before and after before the draft permits were issued. After considering this approach, we believe it would be better to hold the community outreach meetings only after the draft permits are issues. The outreach meetings would take the form of availability sessions immediately before public hearings.

The advantages holding the community outreach meetings after draft permit issuance include:

- a. A meeting before the draft permits are issued will lack substance. If the draft permits have been issued, we will be able to speak freely about specific permit requirements.
 - b. A meeting before the draft permits are issued could be confusing. The Tribal community will have to attend two different meetings and will only be able to present their comments as part of the official record during second meeting, which will be a public hearing immediately following an availability session.
 - c. We believe this approach is the best way to attain the goal of meaningful communication with the Tribal community.
2. The availability session will be structured as information booths on a number of topics where EPA representatives will be available to provide information about each topic and answer questions. The topics are listed in the attachment to these talking points.
 3. Immediately following the availability session, the public hearing would begin. The Tribal community would be able to provide their comments as part of the official record while the information is fresh in their minds.
 4. We think it would be beneficial to invite representatives from the Nuclear Regulatory Commission to be present during the availability sessions. If management agrees with this approach, we would ask the Oglala Sioux Tribal leaders if they would like us to invite the NRC.

Talking Points Attachment: Availability Session Topics of Interest

1. Class III injection wells
 - a. Wellfield locations
 - b. Injection zone (geologic cross-section)
 - c. Monitoring wells
 - d. How monitoring works
 - e. ISR process
 - f. Excursion – description, how it is detected, how it is handled
 - g. Additional information Powertech needs to provide to be allowed to inject, even if permit is issued.
2. Deep injection wells
 - a. Well locations
 - b. Injection zone (geologic cross-section)
 - c. Injectate treatment
 - d. Monitoring
 - e. Additional information Powertech needs to provide to be allowed to inject, even if permit is issued.
3. Aquifer exemption
 - a. Location of proposed AE area
 - b. Water quality in proposed AE area
 - c. EPA's AE process
 - d. UIC requirements for protection of USDWs outside of AE area
 - e. Regulation of wellfield restoration – DENR & NRC processes
4. EPA Permit Application Review
 - a. Review of site geology and hydrology
 - b. Review of proposed well construction, operation, monitoring and closure plans.
 - c. USGS research on potential for contamination from ISR process
 - d. USGS conclusions on potential for contamination of USDWs after groundwater restoration has been completed
5. EPA's public participation process
6. EPA's Tribal Consultation Process
 - a. National Historic Preservation Act, Section 106
 - b. The EPA Tribal Consultation Policy
7. Treatment and storage ponds
 - a. Location and design
 - b. EPA pond design requirements
 - c. EPA Review process for pond design plans
 - d. Deep well injectate treatment process

8. Issues of concern brought up by Tribes during consultation process
 - a. Historic exploration drillholes
 - b. Injectate treatment and storage ponds
 - c. Seismicity
 - d. Contentions raised to the Atomic Safety and Licensing Board
 - e. Potential faults and fractures at the site that could impact control of lixiviant flow
 - f. The short horned lizard, which, although not federally listed, is on the list of rare animals tracked by the South Dakota Natural Heritage Program. The lizard also holds significance in Tribal culture. A short horned lizard was observed at the Dewey-Burdock site.
 - g. The abandoned uranium mines located at the site.
9. EPA's assessment of the abandoned uranium mines located at the site.